

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD DEAN MERTEN,

Plaintiff,

No. C11-5641 RBL/KLS

V.

WELDON MARK GILBERT, PIERCE  
COUNTY JAIL, and OFFICER  
GARDNER,

## Defendants.

ORDER STRIKING NOTING DATE ON  
PLAINTIFF'S MOTION TO APPOINT  
COUNSEL

This case has been referred to United States Magistrate Judge Karen L. Strombom

pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrates' Rules (MJR) 1, 3 and 4. This matter is on hold while Plaintiff cures certain defects in his civil rights complaint. ECF No. 7. By Order dated September 12, 2011, Plaintiff was ordered to amend his complaint or to show cause why it should not be dismissed for failure to state a claim under 42 U.S.C. § 1983. Plaintiff was given a deadline of October 7, 2011. *Id.* The Order mailed to Plaintiff at his last known address was returned to the Court on September 19, 2011, marked "not at Pierce County Jail." ECF No. 8. To date, Plaintiff has not provided the Court with a current address.

Plaintiff has filed a motion to appoint counsel. ECF No. 4. While this motion would normally be ripe for review at this time, the Court does not intend to allow this case to go

## ORDER - 1

1 forward until the issues noted in the Order to Amend or Show Cause (ECF No. 7) have been  
2 resolved.

3 Accordingly, the Clerk shall **strike** the noting date of Plaintiff's motion to appoint  
4 counsel (ECF No. 4). Plaintiff may re-file this motion after he has responded to the Court's  
5 Order to Amend or Show Cause (ECF No. 7). The Clerk is directed to send copies of this Order  
6 to Plaintiff.

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9 **DATED** this 18th day of October, 2011.

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Karen L. Strombom  
12 United States Magistrate Judge

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